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US PATENT & TRADEMARK  
OFFICE

PATENT  
8075-1055

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Tadahiro OHMI et al.

Application No. 09/889,269

Filed March 5, 2002

Conf. 2418

Group 1772

Examiner A. Chevalier

METAL MATERIAL HAVING FORMED THEREON CHROMIUM OXIDE,  
PASSIVE FILM AND METHOD FOR PRODUCING THE SAME, AND  
PARTS CONTACTING WITH FLUID AND SYSTEM FOR SUPPLYING  
FLUID AND EXHAUSTING GAS

REQUEST FOR REFUND UNDER 37 CFR 1.26

MAIL STOP 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the sum of \$1,020 which was paid on June 13, 2006 by check under fee code 1253 be **refunded and credited** to counsel's deposit account No. 25-0120, for the following reasons.

A three-month extension of time in the amount of \$1,020 was paid twice in the above-captioned application and charged on June 13, 2006, as well as on June 19, 2006, as is evidenced by the accompanying Notice of Appeal form signed by Andrew J. Patch, as well as the Petition for Extension of Time signed by the attorney of record, Randall J. Knuth.

Since the sum of \$1,020 for the three-month extension of time was paid in excess, by the virtue of having been paid twice by two different parties, it is respectfully requested that

Serial No. 09/889,269  
Docket No. 8075-1055

such sum of \$1,020 be promptly credited to deposit account No.  
25-0120 pursuant to 37 CFR 1.26(a).



Respectfully submitted,  
YOUNG & THOMPSON

*Benoit Castel*

Benoit Castel, Reg. No. 35,041  
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BC/fb

August 16, 2006



RCE  
JFW

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/889,269
Filing Date	July 13, 2006
First Named Inventor	Ohm;
Art Unit	1772
Examiner Name	A. Chevalier
Attorney Docket Number	FUK-84

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 501157

a. ☒ I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

86/19/2006 HNGUYEN1 00000042 09089269

01 FC:1881

790.00 DP

b. ☒ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Signature	<i>Randall J. Kusch</i>
Name (Print/Type)	Randall J. Kusch
Date	June 13, 2006
Registration No.	34,644

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature	<i>Randall J. Kusch</i>
Name (Print/Type)	Randall J. Kusch
Date	June 13, 2006

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) <b>FUK-84</b>
Application Number <b>09/889,269</b>	Filed	
For <b>Metal Material Having Formed Thereon Chromium Oxide Passivation Film</b>	Examiner <b>A. Chervakov</b>	
Art Unit <b>1772</b>		

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ I have enclosed a duplicate copy of this sheet.
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
- ☒ attorney or agent of record. Registration Number **34,644**
- ☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature: *Randall J. Knuth* Date: June 13, 2006

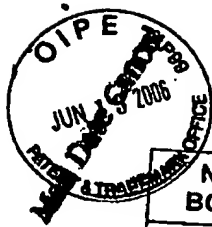
Typed or printed name: Randall J. Knuth Telephone Number: 260-607-6344

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

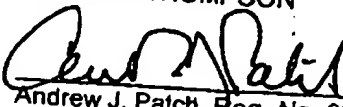
☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(e). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.




*Handwritten:* MAF

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number 8075-1055
Applicant(s): Tadahiro OHMI et al.		Conf.: 2418
Application #: 09/889,269		Filed: March 5, 2002
Title: METAL MATERIAL HAVING FORMED THEREON CHROMIUM OXIDE, PASSIVE FILM AND METHOD FOR PRODUCING THE SAME, AND PARTS CONTACTING WITH FLUID AND SYSTEM FOR SUPPLYING FLUID AND EXHAUSTING GAS		
Group Art Unit: 1772		Examiner: A. Chevalier
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 13, 2005 rejecting the following claims: 2 and 5-12.		
The fee for this Notice of Appeal is:		\$500.00
If I have checked one of the boxes below, then this is also a petition for an extension of time under 37 CFR 1.136(a) to reply to the rejection:		
Extension of time requested for:		Non-small entity fee for extension of time:
<input type="checkbox"/> - 1 Month		\$120.00
<input type="checkbox"/> - 2 Months		\$450.00
<input checked="" type="checkbox"/> - 3 Months		\$1,020.00
<input type="checkbox"/> - 4 Months (if available)		\$1,590.00
The sum of the fee for the Notice of Appeal and the fee for any extension of time is:		\$1,520.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:\$		
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.		
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 25-0120. I have enclosed a duplicate copy of this sheet.		
Respectfully submitted,		
YOUNG & THOMPSON		
		
Andrew J. Patch, Reg. No. 32,925 745 South 23rd Street JADD01 88888821 89889269 Arlington, VA, 22202 Telephone (703) 525-2297 Telefax (703) 685-0573 (703) 979-4709		

AJP/lk  
June 13, 2006

500.00 00  
1020.00 00



<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) <b>FVK-84</b>	
Application Number <b>09/4889,269</b>		Filed	
For <b>Metal Material Having Formed Thereon Chromium Oxide Passivation Film...</b>			
Art Unit <b>1772</b>		Examiner <b>A Chevillier</b>	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<b>Fee</b>	<b>Small Entity Fee</b>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet.			
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form.</b> <b>Provide credit card information and authorization on PTO-2038.</b>			
		<b>06/19/2006 NNGUYEN1 00000042 09889269</b>	
		<b>02 FC:1253 1020.00 OP</b>	
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <b>34,644</b>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 Signature		<b>June 13, 2006</b> Date	
<b>Randall J. Knuth</b> Typed or printed name		<b>260-607-6344</b> Telephone Number	
<b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</b>			
<input checked="" type="checkbox"/> Total of <b>1</b> forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 09/22/2006 ZJUHA1  
06/19/2006 NNGUYEN1 00000042 09889269  
02 FC:1253 -1020.00 OP

Repln. Ref: 09/22/2006 ZJUHA1 0012094000  
DAH:250120 Name/Number:09889269  
FC: 9204 \$1020.00 CR